

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PAMELA WILLIAMS, *on behalf of
herself and all others similarly situated*

Plaintiff,

– *against* –

GHD PROFESSIONAL, NORTH
AMERICA, INC., *and* JEMELLA
LIMITED,

Defendants.

ORDER

20 Civ. 4560 (ER)

RAMOS, D.J.:

Williams first filed her complaint in this case on June 15, 2020. Doc. 1. In an Order dated September 16, 2020, the Court noted that more than 90 days had passed and she had yet to file proof of service. Doc. 8. The Court ordered Williams to serve GHD Professional and Jemella by October 16, 2020. *Id.* This date has passed without a response. For the below reasons, the Court dismisses Williams’ action for failure to execute service under Federal Rule of Civil Procedure 4(m).

“If a defendant is not served within 90 days after the complaint is filed, the court — on motion or on its own after notice to the plaintiff — *must* dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m) (emphasis added).

Given that over 90 days have passed since the filing of the complaint in this action, and given that Williams has failed to respond to the Court’s warning of the consequences of failure to serve or provide good cause for the lack of service without

response, the Court DISMISSES Williams' action without prejudice.¹ The Clerk of Court is respectfully directed to terminate any pending motions and to close the case.

It is SO ORDERED.

Dated: October 28, 2020
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is positioned above a horizontal line.

EDGARDO RAMOS, U.S.D.J.

¹ Williams' filing of an amended complaint on September 14, 2020, Doc. 5, is irrelevant to the Rule 4(m) analysis. *See, e.g., Sikhs for Justice v. Nath*, 893 F. Supp. 2d 598, 607 (S.D.N.Y. 2012) ("The filing of an amended complaint . . . does not restart the [90] day period for service under Rule 4(m).").